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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/068,577 | 02/05/2002 | Hans Georg Conrads | 020507-US | 8269 |

7590

06/16/2003

Law Offices of Karl Hormann
86 Sparks Street
Cambridge, MA 02138-2216

EXAMINER

JACKSON, ANDRE K

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,577

Applicant(s)

CONRADs ET AL.

Examiner

Andre' K. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both measuring chamber and complex electrical component on page 7, lines 10 and 13. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

On page 6, lines 12-14 seems to be missing a word or needs to have a word added.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Peltonen.

Regarding claim 1, Peltonen et al. discloses a "Procedure and means for measuring the coal content in quick ash" which has a measuring chamber (13); a screw conveyor connected to the measuring chamber and having a rotatable feed screw (Figure 6, 31); a means (M) for rotating the feed screw for feeding the material to the measuring chamber and for compacting the material.

Regarding claim 3, Peltonen et al. shows where the screw conveyor has a tubular member for rotatably receiving the feed screw and provided with at least one opening for receiving the material (Figure 6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peltonen et al. in view of Hecht (DE 346821).

Regarding claim 2, Peltonen et al. does not disclose where the measuring chamber and the screw conveyor are positioned in a chamber for collecting the material. However, Hecht (DE 3416821) discloses where the measuring chamber and the screw conveyor are positioned in a chamber for collecting the material (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peltonen et al. to include where the measuring chamber and the screw conveyor are positioned in a chamber for collecting the material as taught by Hecht. By adding this feature it would make the invention more compact since the screw conveyor and the measuring chamber are within a common chamber.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peltonen et al. in view of Roycraft.

Regarding claim 4, Peltonen et al. does not disclose a means for monitoring the torque of the rotating feed screw. However, Roycraft discloses a "Refuse bag opener" which has a means for monitoring the torque of the rotating feed screw (132). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Peltonen et al. to include a means for monitoring the torque of the rotating feed screw as taught by Roycraft. By adding this feature the skilled artisan would be able to detect sudden changes in the torque of the feed screw since the sudden changes may cause damage to the apparatus.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peltonen et al. in view of Roycraft as applied to claim 4 above, and further in view of Kinoshita.

Regarding claim 5, Peltonen et al. does not disclose a torque monitoring means that has a means responsive to abrupt increases of the torque for terminating rotation of the feed screw. However, Kinoshita discloses a "Device for dealing with the scraps of foamed thermoplastic synthetic resins" which has a torque monitoring means that has a means responsive to abrupt increases of the torque for terminating rotation of the feed screw (Column 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a torque monitoring means that has a means responsive to abrupt increases of the torque for terminating rotation of the feed screw. By adding this means it would make it possible to prevent the motor from burning out.

10. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peltonen et al. in view of Roycraft and Kinoshita.

Regarding claim 6, Peltonen et al. disclose feeding the material at a predetermined force to a measuring chamber for compaction therein; Peltonen et al. does not disclose monitoring the force. However, Roycraft has a means for monitoring the torque of the rotating feed screw (132). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peltonen et al. to include a means for monitoring the torque of the rotating feed screw as taught by Roycraft. By adding this feature the skilled artisan would be able to detect sudden changes in the torque of the feed screw. Neither Peltonen et al. nor Roycraft disclose interrupting the feeding of the material at an abrupt increase in the force. However, Kinoshita interrupts the feeding of material at an abrupt increase in the force (Column 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peltonen et al. to include interrupting the feeding of material at an abrupt increase in the force. By adding this means it would make it possible to prevent the motor from burning out.

Regarding claim 7, Peltonen et al. disclose where the material is fed to the measuring chamber by a rotating feed screw (Figure 6). What is not disclosed by Peltonen et al. is where the force is monitored as a function of torque of the conveyor screw. However, Roycraft discloses where the force is monitored as a function of torque of the conveyor screw (132). Therefore, it would have been obvious to one of ordinary skill in the

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art at the time the invention was made to modify Peltonen et al. to include where the force is monitored as a function of torque of the conveyor screw as taught by Roycraft. By adding this feature the skilled artisan would be able to detect sudden changes in the torque of the feed screw.

11. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' K. Jackson whose telephone number is (703) 305-1522. The examiner can normally be reached on Mon.-Thurs. 7AM-4PM.

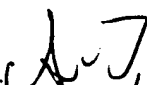
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

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A.J. 
June 11, 2003


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
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